

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	C/A No. 3:19-2094-CMC-PJG
)	
Plaintiff,)	
)	
v.)	
)	
46,740 dollars in United States Currency,)	ORDER
<i>Asset ID: 19-DEA-651054,</i>)	
)	
Defendant,)	
)	
Collette Pinkard,)	
)	
Claimant.)	
_____)	

The United States filed a Complaint in this civil forfeiture action on July 26, 2019. (ECF No. 1.) The United States sent Claimant, Collette Pinkard, a notice by certified mail that the action was filed and instructed her that to contest the forfeiture, she would have to file a claim and an answer pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Forfeiture Actions. (ECF No. 6.) Pinkard, proceeding without counsel, filed a claim—but no answer—on September 23, 2019. (ECF No. 8.)

On October 3, 2019, the Clerk of Court entered default in this case against Pinkard. (ECF No. 14.) In its request for entry of default, the United States asserted that it provided Pinkard with direct notice of this action and advised her that she must file an answer within twenty-one days of filing a claim, but that Pinkard failed to file an answer within that time. The United States now moves for a default judgment because Pinkard has not yet filed an answer to the Complaint. (ECF No. 13.) In the same motion, the United States also seeks to strike the claim because it was not timely filed.

Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Forfeiture Actions requires that a claimant *must* serve and file an answer to the complaint or a motion pursuant to Rule 12 of the Federal Rules of Civil Procedure within twenty-one days after filing the claim. Supp. R. for Admiralty, Maritime Claims, Rule 5(G)(b). Pinkard is warned that if she does not file an answer or motion pursuant to Rule G(5), the court may enter a default judgment for the reasons explained in the United States's motion.

In light of Pinkard's *pro se* status, the court directs Pinkard to file an answer or motion pursuant Rule 5(G) within **twenty-one (21) days** from the date this order is entered (plus three days for mail time). Pinkard is warned that failure to do so may result in a default judgment or judgment on the pleadings being entered against her.¹

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

December 17, 2019
Columbia, South Carolina

¹ Pinkard filed a “motion to enter defamation, emotional distress, and request for claim to be granted.” (ECF No. 22.) (The motion is incorrectly listed on the court’s electronic case management system as also including a “motion for default judgment and judgment and decree of forfeiture,” whereas it actually includes a “response” to the United States’ motion for default judgment.) Regardless, Pinkard’s motion is denied because she has failed to comply with Rule 5(G) or Rule 8 of the Supplemental Rules for Admiralty or Maritime Claims and Forfeiture Actions.